

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | File No. EB-08-TC-5703 |
| |) | |
| The Telephone Company, Inc. |) | NAL/Acct. No. 200932170825 |
| |) | |
| Apparent Liability for Forfeiture |) | FRN: 0010103497 |
| |) | |
| |) | |

ORDER

Adopted: July 30, 2009**Released: July 31, 2009**

By the Chief, Enforcement Bureau:

I. INTRODUCTION AND BACKGROUND

1. In this Order, we cancel a proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to The Telephone Company, Inc. for apparent violation of section 222 of the Communications Act of 1934, as amended (the “Act”),¹ section 64.2009(e) of the Commission’s rules,² and the Commission’s *EPIC CPNI Order*,³ by failing to timely file an annual customer proprietary network information (“CPNI”) compliance certification with the Commission on or before March 1, 2008.

2. On February 24, 2009, the Bureau issued to The Telephone Company, Inc. a *Notice of Apparent Liability for Forfeiture* (“*Omnibus NAL*”)⁴ proposing a forfeiture in the amount of twenty thousand dollars (\$20,000) based on The Telephone Company, Inc.’s apparent violation of section 222 of the Act,⁵ section 64.2009(e) of the Commission’s rules,⁶ and the Commission’s *EPIC CPNI Order*, by failing to timely file an annual compliance certification with the Bureau.

¹ 47 U.S.C. § 222.

² 47 C.F.R. § 64.2009(e).

³ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6953 (2007) (“*EPIC CPNI Order*”); *aff’d sub nom. Nat’l Cable & Telecom. Assoc. v. FCC*, No. 07-132, (D.C. Cir. decided Feb. 13, 2009).

⁴ *Annual CPNI Certification Omnibus Notice of Apparent Liability for Forfeiture*, 24 FCC Rcd 2299 (Enf. Bur. 2009) (“*Omnibus NAL*”).

⁵ 47 U.S.C. § 222.

⁶ 47 C.F.R. § 64.2009(e).

II. DISCUSSION

3. Upon review of the record, and based upon additional information provided by The Telephone Company, Inc., we agree with The Telephone Company, Inc. that it timely filed its CPNI certification for calendar year 2007. Accordingly, based on the record, we find that The Telephone Company, Inc. did not willfully and repeatedly violate section 222 of the Act,⁷ section 64.2009(e) of the Commission's rules,⁸ and the Commission's *EPIC CPNI Order*. Consequently, we conclude that no forfeiture should be imposed.

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended ("Act"), and sections 0.111, 0.311 and 1.80(f) (4) of the Commission's rules, that the proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to The Telephone Company, Inc. in the February 24, 2009 *Omnibus Notice of Apparent Liability for Forfeiture* for willful and repeated violations of a Commission rule **IS CANCELLED**.

5. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to The Telephone Company, Inc., to its attorney of record, Katherine E. Barker Marshall, Arent Fox LLP, 1050 Connecticut Avenue, NW, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION

Kris A. Monteith
Chief, Enforcement Bureau

⁷ 47 U.S.C. § 222.

⁸ 47 C.F.R. § 64.2009(e).